

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

TROY G. DAVIS	§	2:22-CV-115-RWS
Plaintiff,	§	Case No. _____
v.	§	Jury Trial: <u>X</u> Yes <u> </u> No
WALMART, INC., JOHN DOE, and JOHN DOE COMPANY	§	
Defendants.	§	JUDGE: TBD
	§	

COMPLAINT FOR A CIVIL CASE ALLEGING NEGLIGENCE

I. The Parties to this Complaint.

A. The Plaintiff:

Troy G. Davis resides at 136 Cherry Road, Barnwell, SC 29812, and the Plaintiff is a citizen of the State of South Carolina. Plaintiff's phone number is 803-671-4963 and his email is noodle8705@gmail.com.

B. The Defendants:

Walmart, INC. is a Foreign Profit Corporation whose principal office address is 708 SW 8th Street, Bentonville, Arkansas 72716, their Registered Agent is THE

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PLAINTIFF'S COMPLAINT
TO DEFENDANT - 1

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CORPORATION COMPANY(FL) 106 Colony Park Drive, Ste. 800-B, Cumming, GA 30040. John Doe and John Doe Company addresses are unknown currently.

II. JURISDICTION AND VENUE.

This Court has subject matter jurisdiction over this controversy pursuant to 28 U.S.C. § 1332(a)(1) because this controversy is between citizens of different states and because the matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. § 1332 (a). Plaintiff's medical expenses and his claim for physical and mental pain and suffering exceed \$75,000, not counting interest and costs of court.

III. STATEMENT OF CLAIM

In this action, Plaintiff seeks damages caused by the negligence of an employee of Defendant Walmart, INC. which occurred at retail store #1227 at 260 Bobby Jones Expressway, Augusta, GA 30907 at approximately 2pm on or about June 28, 2020. Plaintiff was an invitee who was shopping in the frozen food department of the Defendant Store and was looking into the freezer section and just began to walk away from the freezer when her foot slipped upon water coming from the bottom of the freezer causing him to fall. Defendant's employee failed to notice the hazard and failed to warn the invitees in the area of the danger. At all relevant times, in this incident, John Doe was acting within the scope of their employment

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and Defendant Walmart, INC. and/or John Doe Corporation was responsible for said individuals' actions pursuant to the Doctrine of *Respondeat Superior or Agency*. Furthermore, Plaintiff claims that Defendant Walmart, INC. and/or John Doe Corporation failed to properly train and supervise their employees in the timely manner of spill cleanups, the frequency of floor inspections and once a spill is discovered the proper procedure for warning invitees of the hazard. The Plaintiff suffered injuries and incurred pain and suffering as a direct result of said negligence. Defendant Walmart, INC. and/or John Doe Corporation as owner of the premises owed a duty to invitees, such as Plaintiff, to keep the premises safe condition from slip and falls when shopping in the store. Defendants breach their duty to their invitee and as a direct result of said breach the Plaintiff suffered damages to be proven at trial.

IV. RELIEF

Plaintiff seeks relief for the expenses and costs associated with his medical treatments for her injuries which as of this filing exceed \$68,949. Plaintiff seeks relief for her past and future physical and mental pain and suffering to be determine by the enlightened conscious of the jury at trial. Plaintiff seeks damages in excess of \$75,000.

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V. CERTIFICATION AND CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is support by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. Attorneys for Plaintiff:

DATE OF SIGNING: 6/14/2022

SIGNATURE OF ATTORNEY: 

PRINTED NAME OF ATTORNEY: Scott S. Cohen

BAR NUMBER: 888269

PRINTED NAME OF ATTORNEY: Thomas C. Sinowski

BAR NUMBER: 378769

PRINTED NAME OF ATTORNEY: Allison T. Newell

BAR NUMBER: 984808

NAME OF LAW FIRM: Cohen & Sinowski, PC

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